

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE KINGREY, and SANDRA McCOLLUM, individually and as heirs at law to the Estate of LARRY GENE McCOLLUM,

PLAINTIFFS

V.

CIVIL ACTION NO.
3:12-cv-02037

BRAD LIVINGSTON, JEFF PRINGLE,
RICHARD CLARK, KAREN TATE,
SANDREA SANDERS, ROBERT EASON, the
UNIVERSITY OF TEXAS MEDICAL
BRANCH and the TEXAS DEPARTMENT OF
CRIMINAL JUSTICE.

DEFENDANTS

**PLAINTIFFS' NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF RULE
30(b)(6) WITNESS(ES) AND SUBPOENA DUCES TECUM**

TO: UTMB, by and through its attorney, Kim Coogan, Office of the Attorney General, P.O. Box 12548, Austin, TX 78711-2548, (512) 495-9139 (fax).

PLEASE TAKE NOTICE that Plaintiffs will take the oral deposition of Rule 30(b)(6) witness(es) knowledgeable about the topics identified in **Exhibit A** before a court reporter and notary public for the State of Texas, pursuant to Federal Rule of Civil Procedure 30.

The deposition will be taken at 300 West 15th Street, 7th Floor, Austin, Texas 78701, on May 28, 2013 at 9:00 AM and continuing thereafter until completed. The deposition will be recorded stenographically and/or on video. The deposition is for the purpose of discovering, securing, and completing testimony of Defendant UTMB.

In accordance with Rule 30, the deponent(s) is/are directed to produce at the time of the deposition the documents identified in **Exhibit B**.

Dated: May 14, 2014.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that a true copy of this document was hand-delivered on May 14, 2014 to the following:

Bruce R. Garcia
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Jeff Edwards

EXHIBIT A

1. UTMB's document retention policies.
2. The date and scope of any litigation holds, preservation letters, etc. that were sent from outside counsel to UTMB and/or that were communicated internally within UTMB regarding any litigation regarding the heat conditions in Texas prisons.
3. The date and scope of any litigation holds, preservation letters, etc. that were sent from outside counsel to UTMB and/or that were communicated internally within UTMB regarding any litigation regarding this case.
4. All steps taken by UTMB to preserve and retrieve electronically stored information that may be relevant to this litigation.
5. The back-up tape architecture at UTMB, including what is backed up, when it is backed up, how long those back-up tapes are retained, and how long information that is backed up is retained on back-up tapes.
6. What efforts were made to determine who the "key players" are in this case and what was done to preserve and retrieve electronically stored information in their possession, custody, or control.
7. The efforts that have been taken and can be taken to obtain any potentially relevant electronically stored information that was either manually deleted or that was purged through automatic document retention policies.
8. Whether any electronically stored information that may be relevant to this case has been deleted.
9. Whether any electronically stored information that may be relevant to this case is irretrievable.
10. What efforts can be taken to obtain any electronically stored information that has been deleted.
11. The identity of any electronically stored information that has been deleted or that is irretrievable.
12. The physical location of electronically stored information that may be relevant to this case.
13. All efforts taken concerning the preservation of electronically stored information related to heat-related illnesses of inmates in TDCJ prison facilities where inmates are housed in non air-conditioned areas.

14. All efforts taken concerning the preservation of electronically stored information related to incidents where inmates have died from heat-related causes in TDCJ prison facilities where inmates are housed in non air-conditioned areas.

EXHIBIT B

1. All documents you have reviewed in preparation for your deposition.
2. All documents concerning any document preservation efforts (including the preservation of electronically stored information) related to this litigation.
3. All documents concerning document retrieval (including the retrieval of electronically stored information) related to this litigation.
4. All documents concerning the preservation and/or retrieval of electronically stored information related to this case.
5. All documents concerning the preservation and retrieval of electronically stored information related to heat-related illnesses of inmates in TDCJ prison facilities where inmates are housed in non air-conditioned areas.
6. All documents concerning the preservation and retrieval of electronically stored information related to incidents where inmates have died from heat related causes in TDCJ prison facilities where inmates are housed in non air-conditioned areas.